

SENATE BILL No. 167

DIGEST OF INTRODUCED BILL

Citations Affected: IC 5-14; IC 20-26; IC 20-28; IC 20-30; IC 20-31; IC 20-33-1.5; IC 20-34-3-27; IC 21-41-13; IC 24-4-16.4-2; IC 35-49-3-4.

Synopsis: Education matters. Defines a "qualified school". Requires each qualified school to post educational activities and curricular materials on the school's Internet web site. Provides that public records that are available on a qualified school's Internet web site shall be excepted from public record requests for individuals that have access to the school's Internet web site at the discretion of the qualified school. Requires the school corporation or qualified school to add functionality that allows parents of students in the school corporation to opt in to or opt out of certain educational activities and curricular materials under certain conditions. Provides that the governing body of a school corporation shall create a curricular materials advisory committee (committee) comprised of parents, teachers, administrators, and community members. Requires the committee to submit recommendations regarding curricular materials and educational activities to the governing body of a school corporation. Provides parameters for the composition of the committee, the appointment of committee members, and the appointment of a committee chairperson. Requires the governing body to create educational activities and curricular materials review, discussion, and recommendation procedures for the committee. Provides that the committee shall meet a certain number of times annually. Provides that a state agency, state educational institution, school corporation, or qualified school or an employee of the state agency, state educational institution, school corporation, or qualified school acting in an official capacity may not include or promote certain concepts as part of a course of instruction or in a curriculum or direct or otherwise compel a school employee or

(Continued next page)

Effective: July 1, 2022.

Baldwin, Raatz, Holdman

January 4, 2022, read first time and referred to Committee on Education and Career Development.



student to adhere to certain tenets relating to the individual's sex, race, ethnicity, religion, color, national origin, or political affiliation. Provides that a state agency, school corporation, qualified school, or state educational institution or an employee of the state agency, school corporation, qualified school, or state educational institution acting in an official capacity may not require an employee of the school corporation, qualified school, or state educational institution to engage in training, orientation, or therapy that presents any form of racial or sex stereotyping or blame on the basis of sex, race, ethnicity, religion, color, national origin, or political affiliation. Provides that a student shall not be required to participate in a personal analysis, an evaluation, or a survey that reveals or attempts to affect the student's attitudes, habits, traits, opinions, beliefs, or feelings without parental consent. Provides that, if a school corporation or qualified school uses a third party vendor in providing a personal analysis, evaluation, or survey that reveals, identifies, collects, maintains or attempts to affect a student's attitudes, habits, traits, opinions, beliefs, or feelings, the third party vendor and the school corporation or qualified school may not collect or maintain the responses to or results of the analysis, evaluation, or survey in a manner that would identify the responses or results of an individual student. Provides that before a school corporation or qualified school may provide or administer certain mental, social-emotional, or psychological services to a student, the school must provide the parent of the student or the student, if the student is an adult or an emancipated minor, with a written request for consent to provide or administer certain mental, social-emotional, or psychological services. Makes changes to the definition of "sexually explicit" for the purpose of trade regulation. Removes schools and certain public libraries from the list of entities eligible for a specified defense to criminal prosecutions alleging: (1) the dissemination of material harmful to minors; or (2) a performance harmful to minors. Adds colleges and universities to the entities eligible for a specified defense to criminal prosecutions alleging: (1) the dissemination of material harmful to minors; or (2) a performance harmful to minors.



Introduced

Second Regular Session of the 122nd General Assembly (2022)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2021 Regular Session of the General Assembly.

SENATE BILL No. 167

A BILL FOR AN ACT to amend the Indiana Code concerning education.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 5-14-3-4, AS AMENDED BY P.L.197-2021,
2 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2022]: Sec. 4. (a) The following public records are excepted
4 from section 3 of this chapter and may not be disclosed by a public
5 agency, unless access to the records is specifically required by a state
6 or federal statute or is ordered by a court under the rules of discovery:
7 (1) Those declared confidential by state statute.
8 (2) Those declared confidential by rule adopted by a public
9 agency under specific authority to classify public records as
10 confidential granted to the public agency by statute.
11 (3) Those required to be kept confidential by federal law.
12 (4) Records containing trade secrets.
13 (5) Confidential financial information obtained, upon request,
14 from a person. However, this does not include information that is
15 filed with or received by a public agency pursuant to state statute.

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(6) Information concerning research, including actual research documents, conducted under the auspices of a state educational institution, including information:

(A) concerning any negotiations made with respect to the research; and

(B) received from another party involved in the research.

(7) Grade transcripts and license examination scores obtained as part of a licensure process.

(8) Those declared confidential by or under rules adopted by the supreme court of Indiana.

(9) Patient medical records and charts created by a provider, unless the patient gives written consent under IC 16-39 or as provided under IC 16-41-8.

(10) Application information declared confidential by the Indiana economic development corporation under IC 5-28.

(11) A photograph, a video recording, or an audio recording of an autopsy, except as provided in IC 36-2-14-10.

(12) A Social Security number contained in the records of a public agency.

(13) The following information that is part of a foreclosure action subject to IC 32-30-10.5:

(A) Contact information for a debtor, as described in IC 32-30-10.5-8(d)(1)(B).

(B) Any document submitted to the court as part of the debtor's loss mitigation package under IC 32-30-10.5-10(a)(3).

(14) The following information obtained from a call made to a fraud hotline established under IC 36-1-8-8.5:

(A) The identity of any individual who makes a call to the fraud hotline.

(B) A report, transcript, audio recording, or other information concerning a call to the fraud hotline.

However, records described in this subdivision may be disclosed to a law enforcement agency, a private university police department, the attorney general, the inspector general, the state examiner, or a prosecuting attorney.

(b) Except as otherwise provided by subsection (a), the following public records shall be excepted from section 3 of this chapter at the discretion of a public agency:

(1) Investigatory records of law enforcement agencies or private university police departments. For purposes of this chapter, a law enforcement recording is not an investigatory record. Law enforcement agencies or private university police departments



may share investigatory records with a:

(A) person who advocates on behalf of a crime victim, including a victim advocate (as defined in IC 35-37-6-3.5) or a victim service provider (as defined in IC 35-37-6-5), for the purposes of providing services to a victim or describing services that may be available to a victim; and

(B) school corporation (as defined by IC 20-18-2-16(a)), charter school (as defined by IC 20-24-1-4), or nonpublic school (as defined by IC 20-18-2-12) for the purpose of enhancing the safety or security of a student or a school facility;

without the law enforcement agency or private university police department losing its discretion to keep those records confidential from other records requesters. However, certain law enforcement records must be made available for inspection and copying as provided in section 5 of this chapter.

(2) The work product of an attorney representing, pursuant to state employment or an appointment by a public agency:

(A) a public agency;

(B) the state; or

(C) an individual.

(3) Test questions, scoring keys, and other examination data used in administering a licensing examination, examination for employment, or academic examination before the examination is given or if it is to be given again.

(4) Scores of tests if the person is identified by name and has not consented to the release of the person's scores.

(5) The following:

(A) Records relating to negotiations between:

(i) the Indiana economic development corporation;

(ii) the ports of Indiana;

(iii) the Indiana state department of agriculture;

(iv) the Indiana finance authority;

(v) an economic development commission;

(vi) the Indiana White River state park development commission;

(vii) a local economic development organization that is a nonprofit corporation established under state law whose primary purpose is the promotion of industrial or business development in Indiana, the retention or expansion of Indiana businesses, or the development of entrepreneurial activities in Indiana; or



(viii) a governing body of a political subdivision; with industrial, research, or commercial prospects, if the records are created while negotiations are in progress. However, this clause does not apply to records regarding research that is prohibited under IC 16-34.5-1-2 or any other law.

(B) Notwithstanding clause (A), the terms of the final offer of public financial resources communicated by the Indiana economic development corporation, the ports of Indiana, the Indiana finance authority, an economic development commission, the Indiana White River state park development commission, or a governing body of a political subdivision to an industrial, a research, or a commercial prospect shall be available for inspection and copying under section 3 of this chapter after negotiations with that prospect have terminated.

(C) When disclosing a final offer under clause (B), the Indiana economic development corporation shall certify that the information being disclosed accurately and completely represents the terms of the final offer.

(D) Notwithstanding clause (A), an incentive agreement with an incentive recipient shall be available for inspection and copying under section 3 of this chapter after the date the incentive recipient and the Indiana economic development corporation execute the incentive agreement regardless of whether negotiations are in progress with the recipient after that date regarding a modification or extension of the incentive agreement.

(6) Records that are intra-agency or interagency advisory or deliberative material, including material developed by a private contractor under a contract with a public agency, that are expressions of opinion or are of a speculative nature, and that are communicated for the purpose of decision making.

(7) Diaries, journals, or other personal notes serving as the functional equivalent of a diary or journal.

(8) Personnel files of public employees and files of applicants for public employment, except for:

(A) the name, compensation, job title, business address, business telephone number, job description, education and training background, previous work experience, or dates of first and last employment of present or former officers or employees of the agency;

(B) information relating to the status of any formal charges



- 1 against the employee; and
- 2 (C) the factual basis for a disciplinary action in which final
- 3 action has been taken and that resulted in the employee being
- 4 suspended, demoted, or discharged.
- 5 However, all personnel file information shall be made available
- 6 to the affected employee or the employee's representative. This
- 7 subdivision does not apply to disclosure of personnel information
- 8 generally on all employees or for groups of employees without the
- 9 request being particularized by employee name.
- 10 (9) Minutes or records of hospital medical staff meetings.
- 11 (10) Administrative or technical information that would
- 12 jeopardize a record keeping system, voting system, voter
- 13 registration system, or security system.
- 14 (11) Computer programs, computer codes, computer filing
- 15 systems, and other software that are owned by the public agency
- 16 or entrusted to it and portions of electronic maps entrusted to a
- 17 public agency by a utility.
- 18 (12) Records specifically prepared for discussion or developed
- 19 during discussion in an executive session under IC 5-14-1.5-6.1.
- 20 However, this subdivision does not apply to that information
- 21 required to be available for inspection and copying under
- 22 subdivision (8).
- 23 (13) The work product of the legislative services agency under
- 24 personnel rules approved by the legislative council.
- 25 (14) The work product of individual members and the partisan
- 26 staffs of the general assembly.
- 27 (15) The identity of a donor of a gift made to a public agency if:
- 28 (A) the donor requires nondisclosure of the donor's identity as
- 29 a condition of making the gift; or
- 30 (B) after the gift is made, the donor or a member of the donor's
- 31 family requests nondisclosure.
- 32 (16) Library or archival records:
- 33 (A) which can be used to identify any library patron; or
- 34 (B) deposited with or acquired by a library upon a condition
- 35 that the records be disclosed only:
- 36 (i) to qualified researchers;
- 37 (ii) after the passing of a period of years that is specified in
- 38 the documents under which the deposit or acquisition is
- 39 made; or
- 40 (iii) after the death of persons specified at the time of the
- 41 acquisition or deposit.
- 42 However, nothing in this subdivision shall limit or affect contracts



entered into by the Indiana state library pursuant to IC 4-1-6-8.

(17) The identity of any person who contacts the bureau of motor vehicles concerning the ability of a driver to operate a motor vehicle safely and the medical records and evaluations made by the bureau of motor vehicles staff or members of the driver licensing medical advisory board regarding the ability of a driver to operate a motor vehicle safely. However, upon written request to the commissioner of the bureau of motor vehicles, the driver must be given copies of the driver's medical records and evaluations.

(18) School safety and security measures, plans, and systems, including emergency preparedness plans developed under 511 IAC 6.1-2-2.5.

(19) A record or a part of a record, the public disclosure of which would have a reasonable likelihood of threatening public safety by exposing a vulnerability to terrorist attack. A record described under this subdivision includes the following:

(A) A record assembled, prepared, or maintained to prevent, mitigate, or respond to an act of terrorism under IC 35-47-12-1 (before its repeal), an act of agricultural terrorism under IC 35-47-12-2 (before its repeal), or a felony terrorist offense (as defined in IC 35-50-2-18).

(B) Vulnerability assessments.

(C) Risk planning documents.

(D) Needs assessments.

(E) Threat assessments.

(F) Intelligence assessments.

(G) Domestic preparedness strategies.

(H) The location of community drinking water wells and surface water intakes.

(I) The emergency contact information of emergency responders and volunteers.

(J) Infrastructure records that disclose the configuration of critical systems such as voting system and voter registration system critical infrastructure, and communication, electrical, ventilation, water, and wastewater systems.

(K) Detailed drawings or specifications of structural elements, floor plans, and operating, utility, or security systems, whether in paper or electronic form, of any building or facility located on an airport (as defined in IC 8-21-1-1) that is owned, occupied, leased, or maintained by a public agency, or any part of a law enforcement recording that captures information



about airport security procedures, areas, or systems. A record described in this clause may not be released for public inspection by any public agency without the prior approval of the public agency that owns, occupies, leases, or maintains the airport. Both of the following apply to the public agency that owns, occupies, leases, or maintains the airport:

(i) The public agency is responsible for determining whether the public disclosure of a record or a part of a record, including a law enforcement recording, has a reasonable likelihood of threatening public safety by exposing a security procedure, area, system, or vulnerability to terrorist attack.

(ii) The public agency must identify a record described under item (i) and clearly mark the record as "confidential and not subject to public disclosure under IC 5-14-3-4(b)(19)(J) without approval of (insert name of submitting public agency)". However, in the case of a law enforcement recording, the public agency must clearly mark the record as "confidential and not subject to public disclosure under IC 5-14-3-4(b)(19)(K) without approval of (insert name of the public agency that owns, occupies, leases, or maintains the airport)".

(L) The home address, home telephone number, and emergency contact information for any:

(i) emergency management worker (as defined in IC 10-14-3-3);

(ii) public safety officer (as defined in IC 35-47-4.5-3);

(iii) emergency medical responder (as defined in IC 16-18-2-109.8); or

(iv) advanced emergency medical technician (as defined in IC 16-18-2-6.5).

This subdivision does not apply to a record or portion of a record pertaining to a location or structure owned or protected by a public agency in the event that an act of terrorism under IC 35-47-12-1 (before its repeal), an act of agricultural terrorism under IC 35-47-12-2 (before its repeal), or a felony terrorist offense (as defined in IC 35-50-2-18) has occurred at that location or structure, unless release of the record or portion of the record would have a reasonable likelihood of threatening public safety by exposing a vulnerability of other locations or structures to terrorist attack.

(20) The following personal information concerning a customer



of a municipally owned utility (as defined in IC 8-1-2-1):

(A) Telephone number.

(B) Address.

(C) Social Security number.

(21) The following personal information about a complainant contained in records of a law enforcement agency:

(A) Telephone number.

(B) The complainant's address. However, if the complainant's address is the location of the suspected crime, infraction, accident, or complaint reported, the address shall be made available for public inspection and copying.

(22) Notwithstanding subdivision (8)(A), the name, compensation, job title, business address, business telephone number, job description, education and training background, previous work experience, or dates of first employment of a law enforcement officer who is operating in an undercover capacity.

(23) Records requested by an offender, an agent, or a relative of an offender that:

(A) contain personal information relating to:

(i) a correctional officer (as defined in IC 5-10-10-1.5);

(ii) a probation officer;

(iii) a community corrections officer;

(iv) a law enforcement officer (as defined in IC 35-31.5-2-185);

(v) a judge (as defined in IC 33-38-12-3);

(vi) the victim of a crime; or

(vii) a family member of a correctional officer, probation officer, community corrections officer, law enforcement officer (as defined in IC 35-31.5-2-185), judge (as defined in IC 33-38-12-3), or victim of a crime; or

(B) concern or could affect the security of a jail or correctional facility.

For purposes of this subdivision, "agent" means a person who is authorized by an offender to act on behalf of, or at the direction of, the offender, and "relative" has the meaning set forth in IC 35-42-2-1(b). However, the term "agent" does not include an attorney in good standing admitted to the practice of law in Indiana.

(24) Information concerning an individual less than eighteen (18) years of age who participates in a conference, meeting, program, or activity conducted or supervised by a state educational institution, including the following information regarding the



individual or the individual's parent or guardian:

(A) Name.

(B) Address.

(C) Telephone number.

(D) Electronic mail account address.

(25) Criminal intelligence information.

(26) The following information contained in a report of unclaimed property under IC 32-34-1.5-18 or in a claim for unclaimed property under IC 32-34-1.5-48:

(A) Date of birth.

(B) Driver's license number.

(C) Taxpayer identification number.

(D) Employer identification number.

(E) Account number.

(27) Except as provided in subdivision (19) and sections 5.1 and 5.2 of this chapter, a law enforcement recording. However, before disclosing the recording, the public agency must comply with the obscuring requirements of sections 5.1 and 5.2 of this chapter, if applicable.

(28) Records relating to negotiations between a state educational institution and another entity concerning the establishment of a collaborative relationship or venture to advance the research, engagement, or educational mission of the state educational institution, if the records are created while negotiations are in progress. The terms of the final offer of public financial resources communicated by the state educational institution to an industrial, a research, or a commercial prospect shall be available for inspection and copying under section 3 of this chapter after negotiations with that prospect have terminated. However, this subdivision does not apply to records regarding research prohibited under IC 16-34.5-1-2 or any other law.

(29) Records that are available for inspection to an individual who has access to an operable curriculum portal that meets the requirements described in IC 20-30-17-4.

(c) Nothing contained in subsection (b) shall limit or affect the right of a person to inspect and copy a public record required or directed to be made by any statute or by any rule of a public agency.

(d) Notwithstanding any other law, a public record that is classified as confidential, other than a record concerning an adoption or patient medical records, shall be made available for inspection and copying seventy-five (75) years after the creation of that record.

(e) Only the content of a public record may form the basis for the



1 adoption by any public agency of a rule or procedure creating an
2 exception from disclosure under this section.

3 (f) Except as provided by law, a public agency may not adopt a rule
4 or procedure that creates an exception from disclosure under this
5 section based upon whether a public record is stored or accessed using
6 paper, electronic media, magnetic media, optical media, or other
7 information storage technology.

8 (g) Except as provided by law, a public agency may not adopt a rule
9 or procedure nor impose any costs or liabilities that impede or restrict
10 the reproduction or dissemination of any public record.

11 (h) Notwithstanding subsection (d) and section 7 of this chapter:

12 (1) public records subject to IC 5-15 may be destroyed only in
13 accordance with record retention schedules under IC 5-15; or

14 (2) public records not subject to IC 5-15 may be destroyed in the
15 ordinary course of business.

16 SECTION 2. IC 5-14-4-12 IS AMENDED TO READ AS
17 FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 12. The counselor shall
18 submit a report in an electronic format under IC 5-14-6 not later than
19 June 30 of each year to the legislative services agency concerning the
20 activities of the counselor for the previous year. The report must
21 include the following information:

22 (1) The total number of inquiries and complaints received.

23 (2) The number of inquiries and complaints received each from
24 the public, the media, and government agencies.

25 (3) The number of inquiries and complaints that were resolved.

26 (4) The number of complaints received about each of the
27 following:

28 (A) State agencies.

29 (B) County agencies.

30 (C) City agencies.

31 (D) Town agencies.

32 (E) Township agencies.

33 (F) School corporations, **disaggregated by each school**
34 **corporation.**

35 (G) Other local agencies.

36 (5) The number of complaints received concerning each of the
37 following:

38 (A) Public records.

39 (B) Public meetings.

40 (6) The total number of written advisory opinions issued and
41 pending.

42 SECTION 3. IC 20-26-12-2, AS AMENDED BY P.L.233-2015,



SECTION 151, IS AMENDED TO READ AS FOLLOWS
[EFFECTIVE JULY 1, 2022]: Sec. 2. (a) A governing body may purchase from a publisher any curricular material selected by the proper local officials. The governing body may rent the curricular materials to students enrolled in any public or nonpublic school that is:

(1) in compliance with the minimum certification standards of the state board; and

(2) located within the attendance unit served by the governing body.

The annual rental rate may not exceed twenty-five percent (25%) of the retail price of the curricular materials.

(b) Notwithstanding subsection (a), the governing body may not assess a rental fee of more than twenty-five percent (25%) of the retail price of curricular materials that have been:

(1) extended for usage by students under section ~~24(c)~~ **24(d)** of this chapter; and

(2) paid for through rental fees previously collected.

(c) This section does not limit other laws.

SECTION 4. IC 20-26-12-24, AS AMENDED BY P.L.216-2021, SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 24. (a) The ~~superintendent~~, after approval from the governing body, shall establish procedures for adoption of curricular materials.

(b) The governing body, after reviewing any recommendations from the superintendent **and the curricular materials advisory committee established under IC 20-26-12.5**, shall adopt curricular materials for use in teaching each subject in the school corporation.

~~(c) A special committee of teachers and parents may also be appointed to review books, magazines, and audiovisual material used or proposed for use in the classroom to supplement state adopted curricular materials and may make recommendations to the superintendent and the governing body concerning the use of these materials.~~

~~(d)~~ (c) The governing body may, if the governing body considers it appropriate, retain curricular materials adopted under this section and authorize the purchase of supplemental materials to ensure continued alignment with academic standards adopted by the state board.

~~(e)~~ (d) The superintendent, advisory committee, and governing body may consider using the list of curricular materials provided by the department under IC 20-20-5.5.

~~(f)~~ (e) A governing body may not purchase curricular materials from a publisher unless the publisher agrees, in accordance with Sections



612(a)(23)(A) and 674(e)(4) of the Individuals with Disabilities Education Improvement Act 2004 (20 U.S.C. 1400 et seq.), to provide or grant a license to the school corporation to allow for the reproduction of adopted curricular materials in:

- (1) large type;
- (2) Braille; and
- (3) audio format.

SECTION 5. IC 20-26-12.5 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]:

Chapter 12.5. Curricular Materials Advisory Committee

Sec. 1. (a) As used in this chapter, "curricular material" means any material used for student instruction by a school corporation, including the following:

- (1) Textbooks and other printed materials.
- (2) Audiovisual materials.
- (3) Materials in electronic or digital formats, including materials accessible through the Internet.
- (4) Library materials.
- (5) Student surveys.
- (6) A lesson plan or syllabus.

(b) The term does not include an academic test or assessment, scoring keys, or other test or assessment data used in administering an academic test or assessment that is directly related to measuring a student's academic performance in understanding a particular curricular subject matter, as prescribed by the department.

Sec. 2. (a) As used in this chapter, "educational activity" means a presentation, an assembly, a lecture, or any other educational activity or event that is:

- (1) organized or facilitated by a public school; and
- (2) conducted during instructional time (as defined in IC 20-30-2-1).

(b) The term does not include a student presentation.

Sec. 3. (a) A governing body of a school corporation shall create a curricular materials advisory committee using procedures established by the governing body for the creation, selection, and appointment of the curricular materials advisory committee. The procedures must provide for the appointment of:

- (1) teachers, administrators, and representatives of the community; and
- (2) parents of students who are attending a school in the school corporation.



1 (b) A governing body shall establish procedures for the
2 curricular materials advisory committee to:

- 3 (1) have access to all curricular materials and educational
4 activities;
5 (2) review curricular materials and educational activities;
6 (3) make recommendations regarding curricular materials
7 and educational activities to the governing body; and
8 (4) present recommendations regarding curricular materials
9 and educational activities at a public hearing of the governing
10 body.

11 (c) A governing body shall post on the school's Internet web site
12 the proposed procedures created in subsections (a) and (b). At least
13 thirty (30) days after the posting of the proposed procedures on the
14 Internet web site, the governing body shall hold a public meeting,
15 at which public comment is heard, to explain the proposed
16 procedures. The governing body may then approve, disapprove, or
17 amend the proposed procedures.

18 Sec. 4. (a) The curricular materials advisory committee shall be
19 comprised according to the following parameters:

- 20 (1) At least forty percent (40%) parents of students within the
21 school corporation.
22 (2) At least forty percent (40%) teachers and administrators.
23 (3) The remainder of the positions comprised of interested
24 community members who are not employed by the school
25 corporation.

26 (b) Only candidates approved by a majority of members of the
27 governing body may serve on the committee.

28 (c) In recommending and considering candidates, the governing
29 body shall attempt to ensure that the committee is representative
30 of a broad range of community interests as determined by the
31 governing body.

32 (d) The committee shall elect a chairperson from the members
33 of the committee. The chairperson must be a parent of a student in
34 the school corporation who has been appointed to the committee.

35 (e) The committee chairperson may create subcommittees to
36 review curricular material subject matters. Subcommittees may
37 recommend curricular materials to the committee for
38 consideration. A subcommittee must be comprised according to the
39 parameters set forth in subsection (a).

40 Sec. 5. (a) The curricular materials advisory committee shall
41 review and evaluate the school corporation's curricular materials
42 and educational activities to ensure that the materials and activities



are representative of the community's interests and aligned with Indiana academic standards.

(b) Except as otherwise provided by law, the committee may recommend to the governing body that parents of students enrolled in the school corporation may be allowed to opt out of or opt in to curricular materials and educational activities identified by the committee.

Sec. 6. A curricular materials advisory committee shall:

(1) meet at least two (2) times annually on dates and times established by the chairperson of the committee; and

(2) hold at least two (2) public meetings annually, at which public comment is heard, to discuss the committee's review process and findings with the public.

SECTION 6. IC 20-26-21 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]:

Chapter 21. Personal Analysis, Evaluations, or Surveys by Third Party Vendors

Sec. 1. As used in this chapter, "qualified school" has the meaning set forth in IC 20-30-17-3.

Sec. 2. (a) This section does not apply to an academic test or assessment.

(b) If a school corporation or qualified school uses a third party vendor in providing a personal analysis, evaluation, or survey that reveals, identifies, collects, maintains or attempts to affect a student's attitudes, habits, traits, opinions, beliefs, or feelings, the third party vendor and the school corporation or qualified school may not record, collect, or maintain the responses to or results of the analysis, evaluation, or survey in a manner that would identify the responses or results of an individual student.

Sec. 3. (a) A school employee, parent, or emancipated student may file a complaint for a violation under this chapter using the complaint process described in IC 20-33-1.5-3 and IC 20-33-1.5-4.

(b) After receiving the department's decision under IC 20-33-1.5-5, an individual may bring a civil action against a state agency, school corporation, or qualified school pertaining to the alleged violation addressed in the final order. A court may award the following to an individual who prevails under this subsection:

(1) Court costs and reasonable attorney's fees.

(2) Actual damages resulting from the violation.

(3) Declaratory or injunctive relief.



SECTION 7. IC 20-28-3-3, AS AMENDED BY P.L.220-2015, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 3. (a) The department shall develop guidelines for use by accredited teacher education institutions and departments in preparing individuals to:

- (1) teach in various environments; and
- (2) successfully apply positive classroom behavioral management strategies and research based alternatives to exclusionary discipline in a manner that serves the diverse learning needs of all students.

(b) The guidelines developed under subsection (a) must include courses and methods that assist individuals in developing cultural competency (as defined in IC 20-31-2-5).

(c) The guidelines prescribed in subsections (a) or (b) shall not violate IC 20-28-10-20 or IC 20-33-1.5.

SECTION 8. IC 20-28-3-3.5, AS AMENDED BY P.L.92-2020, SECTION 45, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 3.5. (a) The guidelines developed under section 3 of this chapter must incorporate methods that assist individuals in developing competency in employing approaches to create positive classroom and school climates that are culturally responsive, including:

- (1) classroom management strategies;
- (2) restorative justice;
- (3) positive behavioral interventions and supports;
- (4) social and emotional training as described in IC 12-21-5-2, IC 20-19-3-12, and IC 20-26-5-34.2; and
- (5) conflict resolution.

(b) The methods prescribed under this section shall not violate IC 20-28-10-20 or IC 20-33-1.5.

SECTION 9. IC 20-28-10-20 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 20. (a) In accordance with IC 20-33-1-6, a state agency (as defined in IC 4-13-1.4-2), school corporation, or qualified school (as defined in IC 20-30-17-3) or an employee of the state agency, school corporation, or qualified school acting in an official capacity shall not direct or otherwise compel a school employee to affirm, adopt, or adhere to any of the following tenets:

- (1) That any sex, race, ethnicity, religion, color, national origin, or political affiliation is inherently superior or inferior to another sex, race, ethnicity, religion, color, national origin, or political affiliation.



(2) That an individual, by virtue of their sex, race, ethnicity, religion, color, national origin, or political affiliation is inherently racist, sexist, or oppressive, whether consciously or unconsciously.

(3) That an individual should be discriminated against or receive adverse treatment solely or partly because of the individual's sex, race, ethnicity, religion, color, national origin, or political affiliation.

(4) That members of any sex, race, ethnicity, religion, color, national origin, or political affiliation should not attempt to treat others without respect to sex, race, ethnicity, religion, color, national origin, or political affiliation.

(5) That an individual's moral character is necessarily determined by the individual's sex, race, ethnicity, religion, color, national origin, or political affiliation.

(6) That an individual, by virtue of the individual's sex, race, ethnicity, religion, color, national origin, or political affiliation, bears responsibility for actions committed in the past by other members of the same sex, race, ethnicity, religion, color, national origin, or political affiliation.

(7) That any individual should feel discomfort, guilt, anguish, or any other form of psychological distress on account of the individual's sex, race, ethnicity, religion, color, national origin, or political affiliation.

(8) That meritocracy or traits such as hard work ethic are racist or sexist, or were created by members of a particular sex, race, ethnicity, religion, color, national origin, or political affiliation to oppress members of another sex, race, ethnicity, religion, color, national origin, or political affiliation.

(b) A teacher, an administrator, a governing body, or any other employee of any state agency, school corporation, or qualified school may not require an employee of a school corporation or qualified school to engage in training, orientation, or therapy that presents any form of racial or sex stereotyping or blame on the basis of sex, race, ethnicity, religion, color, national origin, or political affiliation.

(c) A school employee may file a complaint using the complaint process described in IC 20-33-1.5-3 and IC 20-33-1.5-4.

(d) The provisions of this section are severable as provided in IC 1-1-1-8(b).

SECTION 10. IC 20-30-5-7.3, AS ADDED BY P.L.39-2021, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE



JULY 1, 2022]: Sec. 7.3. (a) Beginning with students entering grade 6 in the 2023-2024 school year, each school corporation, charter school, and state accredited nonpublic school shall require each student of the school corporation, charter school, or state accredited nonpublic school to successfully complete in grade 6, 7, or 8 one (1) semester of a civics education course.

(b) All civics education courses must abide by requirements described in IC 20-33-1.5.

SECTION 11. IC 20-30-5-14, AS AMENDED BY P.L.76-2020, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 14. (a) As used in this section, "Indiana career explorer program and standards" refers to the:

- (1) software or Internet based system approved by the department of workforce development; and
- (2) standards established by the department of workforce development that are aligned to interdisciplinary employability skills standards prescribed in subsection (c);

that provides students with career and college planning resources.

(b) To:

- (1) educate students on the importance of their future career choices;
- (2) prepare students for the realities inherent in the work environment; and
- (3) instill in students work values that will enable them to succeed in their respective careers;

each school within a school corporation shall include in the school's curriculum for all students in grades 1 through 12 instruction concerning employment matters and work values described in subsection (c).

(c) Each school within a school corporation shall include interdisciplinary employability skills standards established by the department, in conjunction with the department of workforce development, and approved by the state board in the school's curriculum.

(d) Each school shall:

- (1) integrate within the curriculum instruction that is; or
- (2) conduct activities or special events periodically that are;

designed to foster overall career awareness and career development as described in subsection (b).

(e) The department shall develop career awareness and career development models as described in subsection (f) to assist schools in complying with this section.



(f) The models described in this subsection must be developed in accordance with the following:

(1) For grades 1 through 5, career awareness models to introduce students to work values and basic employment concepts.

(2) For grades 6 through 8, initial career information models that focus on career choices as they relate to student interest and skills.

(3) For grades 9 through 12, career exploration models that offer students insight into future employment options and career preparation models that provide job or further education counseling, including the following:

(A) Initial job counseling, including the use of job service officers to provide school based assessment, information, and guidance on employment options and the rights of students as employees.

(B) Workplace orientation visits.

(C) On-the-job experience exercises.

(g) The department, with assistance from the department of labor and the department of workforce development, shall:

(1) develop and make available teacher guides; and

(2) conduct seminars or other teacher education activities;

to assist teachers in providing the instruction described in this section.

(h) The department shall, with assistance from the department of workforce development, design and implement innovative career preparation demonstration projects for students in at least grade 9.

(i) Each school in a school corporation and each charter school:

(1) shall include in the school's curriculum state developed career standards for all students in grade 8 that include instruction in and use of either:

(A) the Indiana career explorer program and standards; or

(B) an alternative Internet based system and standards that provide students with career and college planning resources that have been approved by the state board under subsection

(j); and

(2) except as provided in subdivision (1), may include in the school's curriculum state developed career standards for all students in any grade level that include instruction in and use of the program and standards or system and standards described in subdivision (1)(A) or (1)(B).

(j) A school corporation or charter school may submit a request to the state board to approve an alternative Internet based system and standards that provide students with career and college planning resources. The state board, in consultation with the department and the



department of workforce development, may approve an alternative system and standards if the state board determines that the alternative system:

- (1) has an aptitude assessment tool;
- (2) contains educational course track information;
- (3) has a tool for the preparation and development of the graduation plan prescribed in IC 20-30-4, including a parent sign in component;
- (4) allows access to education and career demand information using data prepared by the department of workforce development; and
- (5) is aligned to interdisciplinary employability skills standards prescribed in subsection (c).

(k) Beginning July 1, 2021, the department of workforce development shall implement an Indiana career explorer program that includes software or an Internet based system that does the following:

- (1) Provides access to education and career demand information using data prepared by the department of workforce development.
- (2) Provides educational and career assessments or tools that:
 - (A) must include an aptitude and career assessment;
 - (B) are aligned to interdisciplinary employability skills standards prescribed in subsection (c); and
 - (C) may include:
 - (i) educational course track information; and
 - (ii) a tool for the preparation and development of the graduation plan prescribed in IC 20-30-4, including a parent sign in component.

(l) Any standards, curriculum, activities, or events developed or administered under this section shall not violate IC 20-33-1.5.

SECTION 12. IC 20-30-5-17, AS AMENDED BY P.L.154-2018, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 17. (a) Each school corporation **or laboratory school established under IC 20-24.5-2**, shall make available for inspection by the parent of a student any instructional materials, including teachers' manuals, curricular materials, films or other video materials, tapes, and other materials, used in connection with:

- (1) a personal analysis, an evaluation, or a survey described in subsection (b); or
- (2) instruction on human sexuality.

(b) A student shall not be required to participate in a personal analysis, an evaluation, or a survey ~~that is not directly related to academic instruction and~~ that reveals or attempts to affect the student's



attitudes, habits, traits, opinions, beliefs, or feelings ~~concerning:~~

- ~~(1) political affiliations;~~
- ~~(2) religious beliefs or practices;~~
- ~~(3) mental or psychological conditions that may embarrass the student or the student's family;~~
- ~~(4) sexual behavior or attitudes;~~
- ~~(5) illegal, antisocial, self-incriminating, or demeaning behavior;~~
- ~~(6) critical appraisals of other individuals with whom the student has a close family relationship;~~
- ~~(7) legally recognized privileged or confidential relationships, including a relationship with a lawyer, minister, or physician; or~~
- ~~(8) income (except as required by law to determine eligibility for participation in a program or for receiving financial assistance under a program);~~

without the prior **written** consent of the student if the student is an adult or an emancipated minor or the prior written consent of the student's parent if the student is an unemancipated minor. **The consent requirements described in this subsection may be fulfilled by utilizing a functionality on the school's Internet web site in the manner described in IC 20-30-17-4(e).** A parental consent form for a personal analysis, an evaluation, or a survey described in this subsection shall accurately reflect the contents and nature of the personal analysis, evaluation, or survey.

(c) Before a **qualified school (as defined in IC 20-30-17-3)** may provide a student with instruction on human sexuality, the school must provide the parent of the student or the student, if the student is an adult or an emancipated minor, with a written request for consent of instruction. A consent form provided to a parent of a student or a student under this subsection must accurately summarize the contents and nature of the instruction on human sexuality that will be provided to the student and indicate that a parent of a student or an adult or emancipated minor student has the right to review and inspect all materials related to the instruction on human sexuality. The written consent form may be sent in an electronic format. The parent of the student or the student, if the student is an adult or an emancipated minor, may return the consent form indicating that the parent of the student or the adult or emancipated student:

- (1) consents to the instruction; or
- (2) declines instruction.

If a student does not participate in the instruction on human sexuality, the **qualified school (as defined in IC 20-30-17-3)** shall provide the student with alternative academic instruction during the same time



frame that the instruction on human sexuality is provided.

(d) If the parent of the student or the student, if the student is an adult or an emancipated minor, does not respond to the written request provided by the school under subsection (c) within twenty-one (21) calendar days after receiving the request under subsection (c), the **qualified school (as defined in IC 20-30-17-3)** shall provide the parent of the student, or the student, if the student is an adult or an emancipated minor, a written notice requesting that the parent of the student, or the student, if the student is an adult or an emancipated minor, indicate, in a manner prescribed by the **qualified school (as defined in IC 20-30-17-3)**, whether the parent of the student or the adult or emancipated student:

(1) consents to the instruction; or

(2) declines instruction.

A notice provided to a parent of a student or a student under this subsection must accurately summarize the contents and nature of the instruction on human sexuality that will be provided to the student and indicate that a parent of a student or an adult or emancipated minor student has the right to review and inspect all materials related to the instruction on human sexuality. The notice may be sent in an electronic format. If the **qualified school (as defined in IC 20-30-17-3)** does not receive a response within ten (10) days after the notice, the student will receive the instruction on human sexuality unless the parent or the adult or emancipated student subsequently opts out of the instruction for the student.

(e) The department and the governing body shall give parents and students notice of their rights under this section.

(f) The governing body shall enforce this section.

SECTION 13. IC 20-30-17 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]:

Chapter 17. Curriculum Portals

Sec. 1. As used in this chapter, "curricular material" has the meaning set forth in IC 20-26-12.5-1.

Sec. 2. As used in this chapter, "educational activity" has the meaning set forth in IC 20-26-12.5-2.

Sec. 3. As used in this chapter, "qualified school" means the following:

(1) A school maintained by a school corporation.

(2) A charter school.

(3) A laboratory school established under IC 20-24.5-2.

(4) The Indiana School for the Blind and Visually Impaired



established by IC 20-21-2-1.

(5) The Indiana School for the Deaf established by IC 20-22-2-1.

Sec. 4. (a) This section applies to a curricular material or an educational activity at a qualified school that is or is intended to be assigned, distributed, or otherwise presented to:

(1) a student in a course or class for which the student receives credit;

(2) a student, if use of the curricular material or participation in the educational activity is required by the school corporation or qualified school; or

(3) a student, and at least a majority of students in a grade level are expected to use the curricular material or participate in the educational activity.

(b) Not later than June 30, 2023, and not later than June 30 each year thereafter, each qualified school shall post on the qualified school's Internet web site, in a manner accessible to parents of students who are attending the school, all electronic curricular materials and a summary of educational activities. In addition, the Internet web site shall list all nonelectronic curricular materials and provide instruction for a parent to review the nonelectronic curricular materials. Each qualified school shall allow a parent to visit a school during normal business hours in a manner prescribed by the qualified school to inspect nonelectronic curricular materials. The curricular materials and educational activities must, at a minimum, be disaggregated by grade level, teacher, and subject area.

(c) The curricular materials described in subsection (a) shall be:

(1) for electronic curricular materials, posted on the qualified school's Internet web site; or

(2) for nonelectronic curricular matters, made available at the qualified school;

as far in advance of the use of the curricular materials in the classroom as is practicable. Curricular materials that are not posted to the qualified school's Internet web site in advance of the use of the materials in the classroom must be either posted on the Internet web site or made available for inspection at the qualified school not later than five (5) days after the use of the materials in the classroom.

(d) A summary of the educational activities described in subsection (a) shall be posted on the qualified school's Internet web site as far in advance of the use of the activity in the classroom as



1 is practicable. In the event that a qualified school is unable to post
 2 the summary of the educational activity to the qualified school's
 3 Internet web site in advance of the use of the activity in the
 4 classroom, the summary of the educational activity must be posted
 5 on the qualified school's Internet web site not later than five (5)
 6 days after the use of the activity in the classroom.

7 (e) The qualified school's Internet web site described in
 8 subsection (b) must include a functionality that allows a parent of
 9 a student to opt out of or opt in to curricular materials and
 10 educational activities as defined by statute or as approved by the
 11 governing body under IC 20-26-12.5-5.

12 **Sec. 5.** A student who has opted out of curricular materials or
 13 educational activities under section 4(e) of this chapter must
 14 continue to:

- 15 (1) receive instruction during the time period during which
- 16 the student has opted out; and
- 17 (2) remain compliant with the instructional time requirements
- 18 in IC 20-30-2-2.

19 **Sec. 6.** An individual with information regarding an alleged
 20 violation of the requirements established in section 4 of this
 21 chapter may present the information to the public access counselor
 22 and request an advisory opinion under IC 5-14-4-10 as to whether
 23 a school corporation, qualified school, or an employee of the school
 24 corporation or qualified school is in compliance with the
 25 requirements established under section 4 of this chapter.

26 **Sec. 7. (a)** The department shall:

- 27 (1) develop a model plan for presenting the information
- 28 described in section 4 of this chapter on a qualified school's
- 29 Internet web site; and
- 30 (2) post the model on the department's Internet web site.

31 **(b)** The department may develop or procure and make available
 32 to schools a system that meets the requirements described in
 33 section 4 of this chapter.

34 **SECTION 14.** IC 20-31-3-1, AS AMENDED BY P.L.242-2017,
 35 **SECTION 25,** IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 36 JULY 1, 2022]: **Sec. 1. (a)** The state board shall adopt clear, concise,
 37 and jargon free state academic standards that are comparable to
 38 national and international academic standards and the college and
 39 career readiness educational standards adopted under IC 20-19-2-14.5.
 40 These academic standards must be adopted for each grade level from
 41 kindergarten through grade 12 for the following subjects:

- 42 (1) English/language arts.



(2) Mathematics.

(3) Social studies.

(4) Science.

(b) For grade levels tested under the statewide assessment program, the academic standards must be based in part on the results of the statewide assessment program.

(c) Academic standards adopted under this chapter shall not violate IC 20-33-1.5.

SECTION 15. IC 20-31-6-1, AS ADDED BY P.L.246-2005, SECTION 175, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 1. (a) The department shall develop and make available to school corporations and nonpublic schools materials that assist teachers, administrators, and staff in a school in developing cultural competency for use in providing professional and staff development programs.

(b) The materials developed under subsection (a) shall not violate IC 20-28-10-20 or IC 20-33-1.5.

(c) The department shall post all materials developed under subsection (a) on the department's Internet web site.

SECTION 16. IC 20-31-6-2, AS ADDED BY P.L.1-2005, SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 2. (a) In developing a school's plan, the committee shall consider methods to improve the cultural competency of the school's teachers, administrators, staff, parents, and students.

(b) The committee shall:

(1) identify the racial, ethnic, language-minority, cultural, exceptional learning, and socioeconomic groups that are included in the school's student population;

(2) incorporate culturally appropriate strategies for increasing educational opportunities and educational performance for each group in the school's plan; and

(3) recommend areas in which additional professional development is necessary to increase cultural competency in the school's educational environment.

(c) The committee shall update annually the information identified under subsection (b)(1).

(d) The plan or methods developed under this section shall not violate IC 20-28-10-20 or IC 20-33-1.5.

SECTION 17. IC 20-33-1.5 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]:

Chapter 1.5. Dignity and Nondiscrimination in Education



1 **Sec. 1. As used in this chapter, "qualified school" has the**
 2 **meaning set forth in IC 20-30-17-3.**

3 **Sec. 2. (a) In accordance with IC 20-33-1-1, a state agency (as**
 4 **defined in IC 4-13-1.4-2), school corporation, or qualified school**
 5 **shall not include or promote the following concepts as part of a**
 6 **course of instruction or in a curriculum or instructional program,**
 7 **or allow teachers or other employees of the school corporation or**
 8 **qualified school, acting in their official capacity, to use**
 9 **supplemental instructional materials that include or promote the**
 10 **following concepts:**

11 **(1) That any sex, race, ethnicity, religion, color, national**
 12 **origin, or political affiliation is inherently superior or inferior**
 13 **to another sex, race, ethnicity, religion, color, national origin,**
 14 **or political affiliation.**

15 **(2) That an individual, by virtue of their sex, race, ethnicity,**
 16 **religion, color, national origin, or political affiliation is**
 17 **inherently racist, sexist, or oppressive, whether consciously or**
 18 **unconsciously.**

19 **(3) That an individual should be discriminated against or**
 20 **receive adverse treatment solely or partly because of the**
 21 **individual's sex, race, ethnicity, religion, color, national**
 22 **origin, or political affiliation.**

23 **(4) That members of any sex, race, ethnicity, religion, color,**
 24 **national origin, or political affiliation should not attempt to**
 25 **treat others without respect to sex, race, ethnicity, religion,**
 26 **color, national origin, or political affiliation.**

27 **(5) That an individual's moral character is necessarily**
 28 **determined by the individual's sex, race, ethnicity, religion,**
 29 **color, national origin, or political affiliation.**

30 **(6) That an individual, by virtue of the individual's sex, race,**
 31 **ethnicity, religion, color, national origin, or political**
 32 **affiliation, bears responsibility for actions committed in the**
 33 **past by other members of the same sex, race, ethnicity,**
 34 **religion, color, national origin, or political affiliation.**

35 **(7) That any individual should feel discomfort, guilt, anguish**
 36 **responsibility, or any other form of psychological distress on**
 37 **account of the individual's sex, race, ethnicity, religion, color,**
 38 **national origin, or political affiliation.**

39 **(8) That meritocracy or traits such as hard work ethic are**
 40 **racist or sexist, or were created by members of a particular**
 41 **sex, race, ethnicity, religion, color, national origin, or political**
 42 **affiliation to oppress members of another sex, race, ethnicity,**



1 religion, color, national origin, or political affiliation.

2 (b) If a state agency (as defined in IC 4-13-1.4-2), school
3 corporation, or qualified school or an employee of a state agency,
4 school corporation, or qualified school requires, makes part of a
5 course, awards a grade or course credit, including extra credit, or
6 otherwise incentivizes a student to engage in either:

7 (1) political activism, lobbying, or efforts to persuade
8 members of the legislative or executive branch at the federal,
9 state, or local level; or

10 (2) participation in any internship, practicum, or similar
11 activity involving social or public policy advocacy;
12 the state agency (as defined in IC 4-13-1.4-2), school corporation,
13 or qualified school or the employee of the state agency, school
14 corporation, or qualified school shall not require the student to
15 adopt, affirm, affiliate, or take any action that would result in
16 favoring any particular position on the issue or issues involved.

17 (c) It is the duty of the state agency, school corporation,
18 qualified school, or the employee of the state agency (as defined in
19 IC 4-13-1.4-2), school corporation, or qualified school to remain
20 impartial in teaching curricular materials or conducting
21 educational activities, including curricular material or activities
22 described in subsections (b)(1) and (b)(2), and to ensure that
23 students are free to express their own beliefs and viewpoints
24 concerning curricular materials and educational activities
25 including courses of activities described in subsection (b)(1) and
26 (b)(2) without discrimination. However, a school corporation or
27 qualified school may establish reasonable time, place, or manner
28 restrictions necessary to prevent the material and substantial
29 disruption of school activities.

30 (d) Nothing in this chapter may be construed so as to exclude the
31 teaching of historical injustices committed against any sex, race,
32 ethnicity, religion, color, national origin, or political affiliation.

33 (e) A school corporation or qualified school may not do the
34 following:

35 (1) Provide, contract to provide, offer, or sponsor any course
36 that includes, incorporates, or is based on practices prohibited
37 under this chapter or IC 20-28-10-20.

38 (2) Use money, property, assets, or resources for a purpose
39 that includes, incorporates, or is based on practices prohibited
40 under this chapter or IC 20-28-10-20.

41 (3) Adopt programs or use curricular material, instructional
42 material, curriculum, classroom assignments, orientation,



interventions, or counseling that include, incorporate, or are based on practices prohibited under this chapter or IC 20-28-10-20.

(4) Execute a contract or agreement with an internal or external entity or person to provide services, training, professional development, or any other assistance that includes or incorporates practices prohibited under this chapter or IC 20-28-10-20.

(5) Receive or apply to receive money that requires, as a condition of receipt of the money, the adoption of a course, policy, curriculum, or any other instructional material that includes, incorporates, or is based on practices prohibited under this chapter or IC 20-28-10-20.

Sec. 3. (a) The department shall develop a complaint form, in a manner prescribed by the department, to be used by a school employee, parent, or emancipated student to file a complaint with the principal of a qualified school for a violation of IC 20-26-21-2, IC 20-28-10-20, IC 20-34-3-27, or section 2 of this chapter. The department shall maintain a copy of the complaint form on the department's Internet web site. In addition, each school corporation and qualified school must maintain, and conspicuously display, a link to the complaint form on the school corporation's or qualified school's Internet web site.

(b) A school employee, parent, or emancipated student may file a complaint with a principal of a qualified school, alleging a violation of IC 20-26-21-2, IC 20-28-10-20, IC 20-34-3-27, or section 2 of this chapter. The principal shall:

(1) investigate the complaint; and

(2) respond to the complaint by:

(A) acknowledging a violation of IC 20-26-21-2, IC 20-28-10-20, IC 20-34-3-27, or section 2 of this chapter;

(B) denying a violation of IC 20-26-21-2, IC 20-28-10-20, IC 20-34-3-27, or section 2 of this chapter; or

(C) determining that the evidence obtained during the investigation of the complaint was inconclusive;

within five (5) days of receiving the complaint. If the principal acknowledges a violation of IC 20-26-21-2, IC 20-28-10-20, IC 20-34-3-27, or section 2 of this chapter, the principal shall include a description of how the qualified school will remedy the violation.

(c) If a school employee, parent, or emancipated student is not satisfied with the principal's response under subsection (b), the



1 school employee, parent, or emancipated student may submit an
 2 appeal of the principal's response to the superintendent of the
 3 school corporation, or the equivalent for a qualified school, within
 4 ten (10) business days from the date of the principal's initial
 5 response. The superintendent, or the equivalent for a qualified
 6 school, shall respond to the appeal by:

- 7 (1) acknowledging a violation of IC 20-26-21-2,
- 8 IC 20-28-10-20, IC 20-34-3-27, or section 2 of this chapter;
- 9 (2) denying a violation of IC 20-26-21-2, IC 20-28-10-20,
- 10 IC 20-34-3-27, or section 2 of this chapter; or
- 11 (3) determining that the evidence of a violation is
- 12 inconclusive;

13 within ten (10) business days of the receipt of the appeal.

14 (d) A school employee, parent, or emancipated student may
 15 submit a request to review the decision of the superintendent, or
 16 the equivalent for a qualified school, under subsection (c) to the
 17 governing body of the school corporation or the equivalent for a
 18 qualified school. The request to review a decision under subsection
 19 (c) must be submitted to the governing body in a manner
 20 prescribed by the department. The governing body shall review the
 21 request and issue a final order within thirty (30) days of receipt of
 22 the request which shall be included on the school corporation's or
 23 qualified school's Internet web site. If the governing body, or the
 24 equivalent for a qualified school, determines that a violation of
 25 IC 20-26-21-2, IC 20-28-10-20, IC 20-34-3-27, or section 2 of this
 26 chapter occurred, the governing body shall provide a description
 27 of the remedy for the violation.

28 Sec. 4. A school employee, parent, or emancipated student may
 29 submit a request to the department to review a governing body's
 30 final order under section 3(d) of this chapter. The department shall
 31 review the request and issue findings within thirty (30) days of
 32 receipt of the request. If the department determines that a violation
 33 of IC 20-26-21-2, IC 20-28-10-20, IC 20-34-3-27, or section 2 of this
 34 chapter occurred, the department shall provide a description of the
 35 remedy for the violation.

36 Sec. 5. After receiving the department's decision under section
 37 4 of this chapter, an individual may bring a civil action against a
 38 state agency, school corporation, or qualified school pertaining to
 39 the alleged violation addressed in the final order. A court may
 40 award the following to an individual who prevails under this
 41 subsection:

- 42 (1) Court costs and reasonable attorney's fees.



1 (2) Actual damages resulting from the violation.

2 (3) Declaratory or injunctive relief.

3 **Sec. 6. The provisions of this chapter are severable as provided**
 4 **in IC 1-1-1-8(b).**

5 SECTION 18. IC 20-34-3-27 IS ADDED TO THE INDIANA
 6 CODE AS A NEW SECTION TO READ AS FOLLOWS
 7 [EFFECTIVE JULY 1, 2022]: **Sec. 27. (a) A qualified school (as**
 8 **defined in IC 20-30-17-3) may not:**

9 (1) provide a student with ongoing or recurring consultation,
 10 collaboration, or intervention services for mental,
 11 social-emotional, or psychological health issues; or

12 (2) refer a student to community resources for mental,
 13 social-emotional, or psychological health services,

14 without obtaining prior written consent in the manner described
 15 in subsection (b) from the student's parent, or the student, if the
 16 student is emancipated.

17 (b) A consent form provided to a parent of a student or a
 18 student under this section must accurately summarize the contents
 19 and nature of the services described in subsection (a) that will be
 20 provided to the student and indicate that a parent of a student or
 21 an adult or emancipated student has the right to review and inspect
 22 all materials related to the services to be provided to the student.
 23 The written consent form may be sent in an electronic format. The
 24 parent of the student or the student, if the student is an adult or an
 25 emancipated minor, may return the consent form indicating that
 26 the parent of the student or the adult or emancipated student
 27 consents to the provision or administration of services to the
 28 student. The qualified school (as defined in IC 20-30-17-3) may not
 29 provide services described in subsection (a) to a student if the
 30 parent of the student or the emancipated minor or adult student
 31 does not provide written consent under this section.

32 (c) The governing body shall give parents and students notice of
 33 their rights under this section.

34 (d) The governing body shall enforce this section.

35 (e) A school employee, parent, or emancipated student may file
 36 a complaint for a violation under this section using the complaint
 37 process described in IC 20-33-1.5-3 and IC 20-33-1.5-4.

38 (f) This section may not be construed to require qualified school
 39 (as defined in IC 20-30-17-3) to obtain parental consent to identify
 40 a potential health issue of a student or to provide an emergency
 41 response in a crisis situation.

42 SECTION 19. IC 21-41-13 IS ADDED TO THE INDIANA CODE



AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
JULY 1, 2022]:

**Chapter 13. Dignity and Nondiscrimination in Postsecondary
Education**

**Sec. 1. (a) A teacher preparation program (as defined in
IC 20-28-3-1) shall not include or promote the following concepts
as part of a course of instruction or in a curriculum or
instructional program, or allow faculty or other employees of the
teacher preparation program, acting in their official capacity, to
use supplemental instructional materials that include or promote
the following concepts:**

**(1) Any sex, race, ethnicity, religion, color, national origin, or
political affiliation is inherently superior or inferior to
another sex, race, ethnicity, religion, color, national origin, or
political affiliation.**

**(2) That an individual, by virtue of their sex, race, ethnicity,
religion, color, national origin, or political affiliation is
inherently racist, sexist, or oppressive, whether consciously or
unconsciously.**

**(3) That an individual should be discriminated against or
receive adverse treatment solely or partly because of the
individual's sex, race, ethnicity, religion, color, national
origin, or political affiliation.**

**(4) That members of any sex, race, ethnicity, religion, color,
national origin, or political affiliation should not attempt to
treat others without respect to sex, race, ethnicity, religion,
color, national origin, or political affiliation.**

**(5) That an individual's moral character is necessarily
determined by the individual's sex, race, ethnicity, religion,
color, national origin, or political affiliation.**

**(6) That an individual, by virtue of the individual's sex, race,
ethnicity, religion, color, national origin, or political
affiliation, bears responsibility for actions committed in the
past by other members of the same sex, race, ethnicity,
religion, color, national origin, or political affiliation.**

**(7) That any individual should feel discomfort, guilt, anguish
responsibility, or any other form of psychological distress on
account of the individual's sex, race, ethnicity, religion, color,
national origin, or political affiliation.**

**(8) That meritocracy or traits such as hard work ethic are
racist or sexist, or were created by members of a particular
sex, race, ethnicity, religion, color, national origin, or political**



1 affiliation to oppress members of another sex, race, ethnicity,
2 religion, color, national origin, or political affiliation.

3 (b) An administrator, or any other employee of any state agency
4 (as defined in IC 4-13-1.4-2), or a teacher preparation program
5 may not require an employee of the teacher preparation program
6 to engage in training, orientation, or therapy that presents any
7 form of racial or sex stereotyping or blame on the basis of sex,
8 race, ethnicity, religion, color, national origin, or political
9 affiliation.

10 (c) Nothing in this chapter may be construed so as to exclude the
11 teaching of historical injustices committed by or against any sex,
12 race, ethnicity, religion, color, national origin, or political
13 affiliation.

14 Sec. 2. (a) In addition to any relief sought through the Office for
15 Civil Rights at the United States Department of Education, an
16 individual may, in the alternative, bring a civil action against a
17 state educational institution engaged in a violation under this
18 section.

19 (b) A court may award the following to an individual who
20 prevails under subsection (a):

- 21 (1) Court costs and reasonable attorney's fees.
- 22 (2) Actual damages resulting from the violation.
- 23 (3) Declaratory or injunctive relief.

24 Sec. 3. The provisions of this chapter are severable as provided
25 in IC 1-1-1-8(b).

26 SECTION 20. IC 24-4-16.4-2, AS ADDED BY P.L.92-2008,
27 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
28 JULY 1, 2022]: Sec. 2. (a) As used in this chapter, "sexually explicit
29 materials" means a product or service:

- 30 (1) that is harmful to minors (as described in IC 35-49-2-2), even
31 if the product or service is not intended to be used by or offered
32 to a minor; or
- 33 (2) that is designed for use in, marketed primarily for, or provides
34 for:

- 35 (A) the stimulation of the human genital organs; or
- 36 (B) masochism or a masochistic experience, sadism or a
37 sadistic experience, sexual bondage, or sexual domination.

38 (b) The term does not include:

- 39 (1) birth control or contraceptive devices; or
- 40 (2) services, programs, products, or materials provided by a:
41 (A) communications service provider (as defined in
42 IC 8-1-32.6-3); or



1 (B) physician. ~~or~~

2 ~~(C) public or nonpublic school.~~

3 SECTION 21. IC 35-49-3-4, AS AMENDED BY P.L.266-2019,
4 SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
5 JULY 1, 2022]: Sec. 4. (a) It is a defense to a prosecution under section
6 3 of this chapter for the defendant to show:

7 (1) that the matter was disseminated or that the performance was
8 performed for legitimate scientific ~~or educational~~ purposes;

9 (2) that the matter was disseminated or displayed to or that the
10 performance was performed before the recipient by a bona fide
11 ~~school; college, university, museum, college library, or public~~
12 ~~library that qualifies for certain property tax exemptions under~~
13 ~~IC 6-1.1-10; university library~~ or by an employee of such a
14 ~~school; college, university, museum, college library, or public~~
15 ~~library university library~~ acting within the scope of the
16 employee's employment;

17 (3) that the defendant had reasonable cause to believe that the
18 minor involved was eighteen (18) years of age or older and that
19 the minor exhibited to the defendant a draft card, driver's license,
20 birth certificate, or other official or apparently official document
21 purporting to establish that the minor was eighteen (18) years of
22 age or older; or

23 (4) that the defendant was a salesclerk, motion picture
24 projectionist, usher, or ticket taker, acting within the scope of the
25 defendant's employment and that the defendant had no financial
26 interest in the place where the defendant was so employed.

27 (b) Except as provided in subsection (c), it is a defense to a
28 prosecution under section 3 of this chapter if all the following apply:

29 (1) A cellular telephone, another wireless or cellular
30 communications device, or a social networking web site was used
31 to disseminate matter to a minor that is harmful to minors.

32 (2) The defendant is not more than four (4) years older or younger
33 than the person who received the matter that is harmful to minors.

34 (3) The relationship between the defendant and the person who
35 received the matter that is harmful to minors was a dating
36 relationship or an ongoing personal relationship. For purposes of
37 this subdivision, the term "ongoing personal relationship" does
38 not include a family relationship.

39 (4) The crime was committed by a person less than twenty-two
40 (22) years of age.

41 (5) The person receiving the matter expressly or implicitly
42 acquiesced in the defendant's conduct.



(c) The defense to a prosecution described in subsection (b) does not apply if:

- (1) the image is disseminated to a person other than the person:
 - (A) who sent the image; or
 - (B) who is depicted in the image; or
- (2) the dissemination of the image violates:
 - (A) a protective order to prevent domestic or family violence or harassment issued under IC 34-26-5 (or, if the order involved a family or household member, under IC 34-26-2 or IC 34-4-5.1-5 before their repeal);
 - (B) an ex parte protective order issued under IC 34-26-5 (or, if the order involved a family or household member, an emergency order issued under IC 34-26-2 or IC 34-4-5.1 before their repeal);
 - (C) a workplace violence restraining order issued under IC 34-26-6;
 - (D) a no contact order in a dispositional decree issued under IC 31-34-20-1, IC 31-37-19-1, or IC 31-37-5-6 (or IC 31-6-4-15.4 or IC 31-6-4-15.9 before their repeal) or an order issued under IC 31-32-13 (or IC 31-6-7-14 before its repeal) that orders the person to refrain from direct or indirect contact with a child in need of services or a delinquent child;
 - (E) a no contact order issued as a condition of pretrial release, including release on bail or personal recognizance, or pretrial diversion, and including a no contact order issued under IC 35-33-8-3.6;
 - (F) a no contact order issued as a condition of probation;
 - (G) a protective order to prevent domestic or family violence issued under IC 31-15-5 (or IC 31-16-5 or IC 31-1-11.5-8.2 before their repeal);
 - (H) a protective order to prevent domestic or family violence issued under IC 31-14-16-1 in a paternity action;
 - (I) a no contact order issued under IC 31-34-25 in a child in need of services proceeding or under IC 31-37-25 in a juvenile delinquency proceeding;
 - (J) an order issued in another state that is substantially similar to an order described in clauses (A) through (I);
 - (K) an order that is substantially similar to an order described in clauses (A) through (I) and is issued by an Indian:
 - (i) tribe;
 - (ii) band;
 - (iii) pueblo;



- 1 (iv) nation; or
- 2 (v) organized group or community, including an Alaska
- 3 Native village or regional or village corporation as defined
- 4 in or established under the Alaska Native Claims Settlement
- 5 Act (43 U.S.C. 1601 et seq.);
- 6 that is recognized as eligible for the special programs and
- 7 services provided by the United States to Indians because of
- 8 their special status as Indians;
- 9 (L) an order issued under IC 35-33-8-3.2; or
- 10 (M) an order issued under IC 35-38-1-30.

